

REMARKS

- 5 Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding.

CLAIM REJECTIONS UNDER 35 USC 103(a)

- 10 Claims 1-4, 6-11, 13-18, and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fisk, *et al* (hereinafter "Fisk"), U.S. Pat. No. 5,790,847, in view of Chacker (hereinafter "Chacker"), U.S. Pat. No. 6,578,008. Applicant respectfully submits that Fisk and Chacker, taken alone or in combination, fail to teach, suggest, or render obvious the present invention as claimed.

- 15 Independent Claims 1, 8, and 15 recite, *inter alia*, "rule resolution strategy means for resolving conflicts between specific preferences of voters and determining a correct solution set; wherein the sequence of voters and the order of the votes included for each voter determines values in said solutions set." (Emphasis added).

- 20 The Office Action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Chacker within the system of Fisk in order to arrive at the present invention as claimed. Applicant respectfully disagrees for the following reasons.

- 25 As stated in the Office Action, Fisk fails to teach or suggest "rule resolution strategy means for resolving conflicts between specific preferences of voters and determining a correct solution set; wherein the sequence of voters and the order of the votes included for each voter determines values in said solutions set," as claimed in independent Claims 1, 8, and
30 15. Chacker does not remedy any of the deficiencies of Fisk.

- Chacker teaches a method and system for implementing an online talent business whereby large numbers of unknown artists can have their artistic works made available to the public and wherein the public votes on which artists they like and whereby the online talent
35 business enters into business contracts with the artists based on the public voting. (See Abstract.)

Chacker fails to teach or suggest "rule resolution strategy means for resolving conflicts between specific preferences of voters and determining a correct solution set; wherein the sequence of voters and the order of the votes included for each voter determines values in said solutions set," as claimed in independent Claims 1, 8, and 15. At most, in the section cited in the Office Action, at col. 7, lines 1-51, Chacker discloses that the public can review and rate the artist and that the online business awards contracts to the artists that are preferred by the consuming public. The Examiner points to the investment simulation game that is disclosed in Chacker, with its share system that is bought or sold by the consuming public, but there is no teaching nor there is a suggestion in Chacker of the sequence of voters and the order of votes included for each voter to determine values in the solutions set, as claimed in Claims 1, 8, and 15.

Further more, Fisk fails to teach or suggest a combination with Chacker and Chacker fails to teach or suggest a combination with Fisk. Fisk discloses a network application for formatting and printing documents to be used as product planning manuals, while Chacker is concerned with online talent business and public evaluation of artists. It would be impermissible hindsight based on Applicant's own disclosure to incorporate the teachings of Chacker into Fisk. Moreover, such a combination would still fail to teach or suggest "rule resolution strategy means for resolving conflicts between specific preferences of voters and determining a correct solution set; [and] wherein the sequence of voters and the order of the votes included for each voter determines values in said solutions set," as claimed in independent Claims 1, 8, and 15.

Therefore, Applicant respectfully submits that independent Claims 1, 8, and 15, are patentable and are not obvious over Fisk in view of Chacker, taken alone or in combination. Thus, Claims 1, 8, and 15 are deemed in allowable condition. Claims 2-4, 6-7, 9-11, 13-14, 16-18, 20-21 dependent directly or indirectly from Claims 1, 8, and 15, respectively, are also patentable and are not obvious over Fisk in view of Chacker, taken alone or in combination, at least for the same reasons as stated above. Therefore, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of the Claims.

CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

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Respectfully Submitted,



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